

REMARKS

Claims 1-14 are pending in the application. Claims 1-14 stand rejected in the referenced office action.

Claims 1, 5, 8 and 11 are independent claims. Claim 1 has been amended to clarify the claim language and incorporating limitations in claim 8. Claim 4 that is dependent upon claim 1 has been amended to change its dependency.

Claim 5 has been amended by including limitations similar to those included in claim 1.

Claim 8 has been amended to correct a typographic error pointed out by the Examiner.

No new matter has been added by the amendments. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

CLAIM OBJECTIONS

The Examiner has objected to claim 8 for a typographic error. Claim 8 has been amended to correct the typographic error. Claim 8 and claims 9-10 that depend upon claim 8 are now patentable.

REJECTIONS UNDER 35 USC § 102

Claims 1, 2, and 5-7 are rejected under 35 USC § 102(b) as being anticipated by Holland (US 5,991,920). Claims 1 and 5 are independent claims,

Claim 1 has been amended to make clear that the fastening device couples a first

part of the swimsuit body from a second part of the swimsuit body. This is clearly different from *Holland* in which the fastening device couples the swimsuit body to the loop.

In order for a claimed invention to be anticipated by a prior art reference under 35 USC § 102, the prior art reference must disclose each and every limitation of the claim arranged as in the claim. This is clearly lacking in the present case. Accordingly, applicant respectfully submits that claim 1 and claims 2-4 that depend upon claim 1 are patentable under 35 USC § 102 over *Holland*.

In addition, there is no teaching or suggestion in *Holland* or the prior art of record of having a swimsuit that includes a fastening device that couples one part of the swimsuit body to another part of the swimsuit body, together with the remaining limitations of claim 1. Accordingly, applicant further submits that claim 1 and claims 2-4 that depend upon claim 1 are also patentable under 35 USC § 103 over *Holland* and the prior art of record.

Claim 5 includes the substantive limitations of claim 1 discussed above. Accordingly, applicant further submits that claim 5 and claims 6-7 that depend upon claim 5 are patentable under 35 USC §§ 102-103 over *Holland* and the prior art of record for the same reasons that claim 1 is patentable under 35 USC §§ 102-103 over *Holland* and the prior art of record

REJECTIONS UNDER 35 USC § 103

Claims 3, 4, and 11-14 are rejected under 35 USC § 103(a) as being unpatentable over *Holland*.

The patentability of claims 3 and 4 has been addressed above in the discussion of the rejection of claim 1 under 35 USC § 102.

With respect to the rejection of independent claim 11, the Examiner asserts in the referenced office action that:

“Holland provides ... A fastener (10, 10a) for detachable coupling the *rear* end of the body (4) to the loop and a storage compartment (2) on the *front* of the swimsuit (1) for compactly stowing the body (4).... Further, Holland teaches the *front end of the swimsuit having a greater width than the rear end* of the swimsuit body.” (emphasis added).

The teachings in *Holland* of the emphasized portion are the exact opposite of the invention of claim 11 and not what is asserted by the Examiner. The fastener couples the **front end of the body** to the loop. The storage compartment is on the **back** of the body. The front end of the swimsuit in *Holland* is **narrower** than the rear end.

In view of the fact that *Holland* teaches away from three of the limitations of claim 1, applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness, and that claims 11-14 are patentable under 35 USC § 103 over *Holland* and the prior art of record.

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. A credit card authorization in the amount of \$60.00 for a one month extension of time to respond to the office action is included . The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 13-0010 (HOL-1002CP).

Respectfully submitted,

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